

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	2024/62/93177/E
Site Address:	Dixon Hall And Co Ltd, Grafton Street, Batley, WF17 6AR
Description:	Change of use from office building to residential apartments and associated alterations
Recommending Officer:	Edward Cheseldine

DECISION – Conditional Full Permission

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Sarah Longbottom

AUTHORISED OFFICER

Date: 27 February 2025

Officer Report

2024/93177 - Dixon Hall And Co Ltd, Grafton Street, Batley, WF17 6AR

Site Description

Dixon Hall & Co Ltd is a former office that served the wider industrial site. The building has part pebbled dash, part brick exterior walls and a flat roof. The building stands two-stories high, adjoining a warehouse. It rests on Grafton Street which has a mild gradient sloping from west to east. The building has an area of hardstanding to the rear which is shared with the other industrial units. The area is a mixed use, residential and commercial area. Retail and food outlets site to the north of the site, commercial properties including the adjoining building rest to the east and south. There are residential dwellings to the north-west and west of the site.

Proposal Description

The applicant is seeking planning permission for a change of use from office building to residential apartments and associated alterations.

6 residential apartments will be formed within the floor space of the building 3 on the ground floor level, 3 on the first-floor level. These units will be formed through minor floorplan amendments. The submitted floor plans indicated each unit would have one bedroom. The application also shows the provision of 6 parking space which would have an access onto Grafton Street

Negotiations/Amendments

Officers requested the following amendments:

- Internal floorplan changed to meet NDSS requirements
- Car park details
- Swept path analysis
- Changes to bin storage area

Relevant Planning History

Nonrelevant.

Public Representation

Neighbourhood notification letters were distributed to advertise the application, which expired on the 13-Dec-2024. As a result of the publicity, there were no representations.

Consultation Responses

KC Environmental Health – No objection, subject to conditions relating to noise and land contamination.

KC Waste Management – No objection, subject to condition relating to screening for the bin storage area.

KC Highways – No objection, subject to the submission of requested information. Condition relating to highway improvements.

Policy & Legislation

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is unallocated on the Kirklees Local Plan Proposals Map.

Kirklees Local Plan (LP):

- **LP 1** – Achieving Sustainable Development
- **LP 2** – Place Shaping
- **LP 3** – Location of New Development
- **LP 7** – Efficient and Effective Use of Land and Buildings
- **LP 20** – Sustainable Travel
- **LP 21** – Highway Safety
- **LP 22** – Parking Provision
- **LP 24** – Design
- **LP 30** – Biodiversity and Geodiversity
- **LP 43** – Waste Management Hierarchy
- **LP 51** – Protection and Improvement of Local Air Quality
- **LP 52** – Protection and Improvement of Environmental Quality
- **LP 53** – Contaminated and Unstable Land

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2024, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Chapter 2** – Achieving Sustainable Development
- **Chapter 4** – Decision-Making
- **Chapter 5** – Delivering a Sufficient Supply of Homes
- **Chapter 8** – Promoting Health and Safe Communities
- **Chapter 9** – Promoting Sustainable Transport
- **Chapter 11** – Making Efficient Use of Land
- **Chapter 12** – Achieving Well-Designed Places
- **Chapter 14** – Meeting the Challenge of Climate Change, Coastal Change and Flooding
- **Chapter 15** – Conserving and Enhancing the Natural Environment

Other Material Considerations

- Kirklees Highways Design Guide SPD (2019).
- Waste Management Design Guide for New Developments (Version 5, October 2020).
- Gov UK Biodiversity Net Gain Technical Guidance (2023).
- Kirklees Housebuilders Design Guide SPD (2021).

Assessment

The following matters are considered in the assessment below –

- 1) Principle of Development
- 1) Impact on Visual Amenity
- 2) Impact on Residential Amenity
- 3) Impact on Highway Safety
- 4) Environmental Issues
- 5) Conclusion

Principle of development

Sustainable Development

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of

sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be assessed.

The site is UNALLOCATED on the KLP Policies Map. Policy LP2 states that:

“All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the local plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement boxes below...”

The site is unallocated, Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. In terms of making alterations to an existing building, Policy LP24 of the KLP is relevant and Chapter 12 of the NPPF, regarding design. In this case, the principle of development a change of use to from offices to residential is considered acceptable, and the proposal will be assessed against all other material planning considerations, including visual and residential amenity, highway safety and environmental matters.

New Dwellings

The 2023 update of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land, and the 2022 Housing Delivery Test (HDT) measurement which was published on 19th December 2023 demonstrated that Kirklees had achieved a 67% measurement against the required level of housing delivery over a rolling 3-year period (against a pass threshold of 75%).

As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, and delivery of housing has fallen below the 75% HDT requirement, it is necessary to consider planning applications for housing development in the context of NPPF paragraph 11 which triggers a presumption in favour of sustainable development. This means that for decision making “Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (NPPF Footnote 8), granting permission unless: (i) the application of policies in this Framework that protect areas or assets of particular

importance provides a clear reason for refusing the development proposed (NPPF Footnote 7) ; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

The Council’s inability to demonstrate a five-year supply of housing land, or pass the Housing Delivery Test, weighs in favour of housing development but this has to be balanced against any adverse impacts of granting the proposal. The judgement in this case is set out in the officer’s assessment.

Six additional units will be created. Good design is a key aspect of sustainable development which contributes to creating better places therefore an assessment will be made on the impact set within national and local policy. Therefore, a balance will be formed, within this assessment, against the benefits six dwellings would bring to the supply.

Policy LP7 of the Kirklees Local Plan establishes a desired target density of thirty-five dwellings per hectare. By that standard, this site in theory, could accommodate 3 dwellings. Therefore, the density is appropriate when considered in terms of principle.

Impact on Visual Amenity

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places and beautiful places) whereby paragraph 131 provides a principal consideration concerning design which states:

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:

“a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...”

The application represents the conversion of an existing office building to residential with limited external alterations. The only addition would be changes to the existing windows on the rear and side elevation all other details remain the same. The windows changes are acceptable changes to accommodate additional internal living space.

The provision of parking to the rear is of an appropriate scale the area will be separate from the wider site by a 2.0 closed panelled fence and retracted gate providing acceptable separation.

In order to prevent thefts, the bike storage area shall be enclosed with 1.80m closed panelled fencing the gates of which shall be lockable.

The design of the development is considered to be acceptable and would accord with Policy LP24 and Chapter 12 of the NPPF.

Impact on Residential Amenity

Section B of LP24 states that alterations to existing buildings should:

‘...minimise impact on residential amenity of future and neighbouring occupiers.’

Further to this, Paragraph 135 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Principle 6 of the Kirklees Housebuilders Design Guide SPD states that: *“Residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking.”*

The relationship between windows in the existing building and surrounding properties is already well established and whilst representing a change in use it is considered that sufficient separation distances are achieved to ensure that the amenity of surrounding properties is not prejudiced by the development

Regarding other potential noise sources, the site is close in proximity to other commercial buildings. A Noise Impact Assessment authored by Peter Ellis dated July 2023 was submitted. The locality of potential noise sources requires a further report given the residential nature of development, with any appropriate noise mitigations measures included.

Amenity of the Proposed Occupier

Principle 16 of the Housebuilders Design Guide SPD states that: *“All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers.”*

Although the government has set out Nationally Described Space Standards, these are not currently adopted in the Kirklees Local Plan.”

In terms of future occupiers, it is noted that all 6 dwellings meet space standards set out in the Nationally Describes Space Standards. Requirements state a 1 bedroom dwelling over 1 floor should be 39m², with a double bedroom of 11.5m².

Each is between 39.4m² - 50.6m² with internal bedrooms accommodation being 11.55m² – 12.9m².

Each unit also benefits from large window openings to allow natural light into the properties. Floorplans indicate a double bed with storage can be accommodated in each room without compromising window openings. The units are therefore considered to be of an acceptable size for future occupiers and would benefit from an appropriate outlook and natural light.

Principle 17 of the Kirklees Housebuilders Design Guide SPD outlines that: *“All new houses should have adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character and context of the site. The provision of outdoor space should be considered in the context of the site layout and seek to maximise direct sunlight received in outdoor spaces.”*

No private amenity space is provided.

It is recognised that access to public outdoor space is limited in the area. Development is for single and double occupancy dwellings. Each plot contains a private car parking space for private travel. Based on the occupancy of the dwellings, the factor of outdoor space would not be considered to lead to an unacceptable impact on residential amenity.

Impact on Highway Safety

Policy LP21 of the Highways and Access states all proposal should ensure the safe and efficient flow of traffic within the development and on the surrounding highway Network.

Policy LP22 and the Highways Design Guide are relevant insofar as they relate to parking provisions.

The application site is the office building and part of the access road and service yard to the existing now vacant 'Dixon Hall Tools' site located at the junction of Grafton Street and A652 Bradford Road.

Access is via the existing access from Grafton Street. The Proposed Site Plan shows a short length of 5.53m wide access road with 2.0m wide footway to the eastern side and 0.6m hard margin to the western side leading through to the remaining part of the 'Dixon Hall Tools' industrial site.

Access to the remaining site is shown via a new sliding gate through a new 2.0m high fence which separates the proposed residential development. 6 off-street parking spaces are shown to the rear of the proposed apartments. A bin store with presentation point and cycle parking is also shown to be provided.

The details are acceptable in terms of dividing residential development with the remaining industrial site and parking requirements.

The vehicle swept paths are acceptable and the plans demonstrate that visibility from the access onto Grafton Street is acceptable.

Highway Safety report that on-street parking to the west of the access is an issue and have recommended that no waiting at any time restrictions are provided to protect the sight lines from the access, a condition for highway improvements will be set, to be constructed prior to the occupation of the development.

Environmental Matters

Waste Management

Policy LP43 of the Kirklees Local Plan, seeks to safeguard suitable waste management facilities for developments to work towards achieving the objectives and targets for recycling/recovery for waste as set out in the Waste Framework Directive.

Waste Management recommend that the gradient between a bin storage point and presentation point should not exceed 1:12 between the two points. The 6.2 percent gradient (1 in 16) is therefore acceptable. The presentation point is less than 10m from the roadside which is suitable.

Proposed Site Plan Drawing 2120 LP02 shows a bin store for 12 x 240litre bins (2 bins per apartment) and a bin collection point. The bin collection point and storage area should be screened and lockable to prevent fly-tipping and damage which will be conditioned.

Biodiversity Net Gain & Ecology

Paragraphs 187, 193, 194 and 195 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers. Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

Furthermore, Biodiversity Net Gain (BNG) came into effect for minor sites on 02 April 2024. There is a requirement to replace the loss of a habitat whilst delivering at least 10% biodiversity net gain.

The applicant has indicated a biodiversity net gain uplift is not required due to the *Di Minimis* exemption. Satellite imagery indicates the rear of the site has been hard surfaced prior to 2021, the development would fall under the *Di Minimis* exemption, as listed within the Government Biodiversity Net Gain Advisory Note, therefore no uplift is required.

However, Policy LP30 of the Kirklees Local Plan and Principle 9 of the Kirklees Housebuilders Design SPD set out that proposals should provide net gains in biodiversity. Given this, the provision of No.2 bat and No.2 bird boxes on the proposed building are to be recommended as a condition.

Contaminated Land

Policy LP53 of the Kirklees Local Plan and paragraphs 189 and 190 of the National Planning Policy Framework are relevant which seek to ensure that a site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation.

This site has been identified on our mapping system as potentially contaminated land due to its previous use as a laundry (our map ref 572/5). A condition is recommended for any unexpected contamination that may be encountered.

Construction Site Working Times

Construction working times are covered by other regulations, therefore it is not deemed necessary to add a secondary planning condition, however a footnote may be added.

Electric Vehicle Charging Points

The requirements for EV charging points are set out within the Air Quality & Emissions Technical Planning Guidance from the West Yorkshire Low Emissions Strategy Group, therefore a secondary planning condition is not necessary.

Carbon Budget

The proposal is a small scale development. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.

Conclusion

The application for a change of use at Dixon Hall, Grafton Street has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations. Given the acceptable principle and design, and lack of harm in terms of visual amenity, residential amenity highway safety and environmental matters, the change of use is considered to be acceptable.

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole, constitute the Government's view of what sustainable development means in practice.

As set out above, this application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation

Approve

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

1. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

2. Notwithstanding submitted plans, a 1.80m closed panelled fencing shall be erected around the areas indicated as bin storage, bin presentation and cycle store, and thereafter retained. Gates shall be lockable to prevent from unauthorised use, flying tipping and thefts.

Reason: In the interests of waste management and security, to achieve a satisfactory layout and to comply with Policies LP21, LP22, LP24 and LP43 of the Kirklees Local Plan and chapter 12 of the NPPF.

3. Before construction work commences, a further/addendum report specifying the measures to be taken to protect the development from noise from all significant noise sources that are likely to affect the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The report shall:

- a) Determine the existing noise climate
- b) Predict the noise climate in living rooms, bedrooms (night-time) and other habitable rooms of the development
- c) Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required).

The development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained.

Reason: To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

4. In the event that contamination, or the presence of coal not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Verification Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework.

5. Prior to occupation of the development, a scheme detailing measures to manage parking on Grafton Street and all associated works, together with appropriate Safety Audits submitted to and approved in writing by The Local Planning Authority. Unless otherwise agreed in writing no part of the scheme shall be brought into use until the approved scheme has been implemented.

Reason: In the interests of highway safety, to achieve a satisfactory layout and to accord with Policy LP21 of the Kirklees Local Plan.

6. The development shall not be occupied until the proposed car park hereby approved shall be laid out surfaced, marked out into bays and drained in accordance with details in drawing ref: 2120 LP02.

Reason: In the interests of highway safety, to achieve a satisfactory layout and to accord with Policy LP21 of the Kirklees Local Plan.

7. 2 no. bird boxes and 2 no. bat boxes shall be incorporated into the dwelling during the construction phase; the boxes shall be long-lasting Schwegler 'woodcrete' type or similar and shall be located away from sources of light and be sited at least 4 metres above ground level. The bat

and bird boxes shall be provided prior to first occupation of the development and thereafter be retained.

Reason: To enhance the biodiversity of the site in accordance with Policy LP30 of the Kirklees Local Plan, Principle 9 of the Housebuilders Design Guide SPD and Chapter 15 of the National Planning Policy Framework.

8. Prior to the occupation of the development, the boundary treatments shall be constructed and laid out in accordance with drawing 2120 LP02, hereby approved, which shall thereafter be retained.

Reason: So as to protect the amenity of the proposed occupier by reason of loss of privacy and in the interests of highway safety and comply in accordance with the requirements of Policy LP24 b) & LP21 of the Kirklees Local Plan and the provisions of the Kirklees Housebuilders Design Guide SPD.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) regarding obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021. Reports must be prepared in accordance with the following guidance:

- Land Contamination Risk Management (LCRM)
- BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice
- Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group.

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

NOTE: Please note that the granting of planning permission does not override any private rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership.

NOTE: Due to its location, a roost may be present on site. Bats are a European species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone to intentionally kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether bats are present or not. If bats are discovered on site, development shall cease, and the applicant is advised to contact Natural England for advice.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of: 07.30 and 18.30 hours, Mondays to Fridays 08.00 and 13.00hours, Saturdays, with no working Sundays or Public Holidays. In some cases, different site-specific hours of operation may be appropriate.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	2120-LP01	A	06 November 2024
Proposed block plan	2120-LP02	-	06 November 2024
Existing floor plans	2120-D00	A	06 November 2024
Existing roof plans	2120-D01	A	06 November 2024
Proposed floor plans	2120-P01	A	20 November 2024
Existing elevations - 1	2120-D02	A	06 November 2024
Existing elevations – 2	2120-D03	A	06 November 2024
Proposed elevations	2120-P02	-	06 November 2024
Car Park Plan	23001_SPA_001	D	09 January 2025
Car Park Plan	23001_SPA_002	D	09 January 2025
Car Park Plan	23001_SPA_003	D	09 January 2025
Proposed site survey	23004_SPA_001	A	06 November 2024
Proposed site survey	23004_SPA_002	A	06 November 2024
Proposed site survey	23004_SPA_003	A	06 November 2024
Accoustic report	-	-	06 November 2024
Design and access statement	-	-	06 November 2024

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

Officers requested the following amendments:

- Internal floorplan changed to meet NDSS requirements
- Car park details
- Swept path analysis
- Changes to bin storage area